

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) LEROUX et al.
Title) Externally Glazed Article
Serial Number) 09/758,741
Filing Date) January 11, 2001
Art Unit) 1774
Examiner) Dicus, Tamra
Attorney Docket No.) 1366 US

Commissioner for Patents
Washington, D.C. 20231

Sir:

AFFIDAVIT UNDER 37 C.F.R. 1.132

I, Paul Benson, hereby swear and state that:

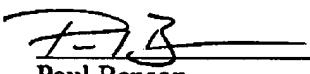
1. I have been active in the field of ceramics for the last 18 years.
2. I am currently Worldwide Manager for Carbon-bonded Refractories and Raw Materials for the Vesuvius Group, which has greater than \$1 billion in worldwide refractory sales.
3. I hold a Masters Degree in Ceramic Science from Pennsylvania State University.
4. I am the author or co-author of at least ten papers in the field of ceramic engineering.
5. I hold three patents in the field of ceramic engineering, particularly relating to ceramic articles for use with molten metals.
6. I am very familiar with refractory ceramic compositions and articles that are used in the molten metal industry, including their methods of manufacture.
7. For the last 12 years, I have concentrated on refractory articles for use with molten metal; including refractory shrouds and nozzles.

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8. I have supervised numerous experimental and commercial installations of refractory ceramic articles, have witnessed the use of refractory ceramic articles in commercial operation, and am very familiar with the problems arising in various refractory ceramic articles.
9. US 5,908,577 to Yamamura does not inherently produce a "glaze" on the surface of the claimed nozzle.
10. A "glaze," as described in the present application, is an external extrinsic coating used to reduce or prevent oxidation of carbon during firing and use. See, e.g., Application, pages 7-8, lines 23-2.
11. I am not aware of any commercially available, carbon-containing refractory ceramic article for flowing molten metal therethrough that inherently produces a "glaze" on its outer surface when fired by a standard process.
12. I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 06 Nov 03


Paul Benson

Worldwide Manager for Carbon-based Refractories